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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,402	10/19/2000	William X. Tracy	467X-1CA	6085

7590 04/15/2004

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EXAMINER


DIXON, THOMAS A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/692,402	Applicant(s) TRACY ET AL.	
	Examiner Thomas A. Dixon	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
5) ☒ Claim(s) 23-28, 30, 31, 33-35, 37, 38, 40 and 41 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☒ Claim(s) 32, 36, 39, 42 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 23-28, 30-42 are pending in the application, claims 1-22 and 29 have been cancelled, claims 31-42 have been added.

Terminal Disclaimer

2. The terminal disclaimer filed on 8/11/03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 5,979,757 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Objections

3. Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Delivering email is performed step b of the parent, it is unclear how this delivering further limits delivering the mail of the parent, perhaps the file is automatically updated based on the association?

4. Claims 41-42 are objected to because of the following informalities:

Specifically, it is system of line 1 is actually a shopping facility of claim 40 the claims are directed to.

5. Claims 32, 36, 39, 42 are objected to because of the following informalities:

Specifically, it is unclear how the list of purchased items is obtained.

Allowable Subject Matter

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6. Claims 23-28, 30-31, 33-35, 37-38, 40-41 are allowed.
7. The following is an examiner's statement of reasons for allowance:

As per Claim 23. +43

The prior art of record, Bianco (5,047,614) in view of Roach et al (5,310,997) does not disclose or fairly teach transmitting the list via an email to a first computer; retrieving the list at the shopping facility from the user data file using a kiosk which communicates with the first computer.

As per Claim 30.

Bianco ('614) in view of Roach et al (5,310,997) does not specifically disclose a shopping list distribution communication device for delivering the customer list presented on the kiosk to the portable terminal corresponding to the customer using the self-scanning system.

As per Claim 38.

Bianco ('614) in view of Roach et al (5,310,997) does not specifically disclose a transmitting the list via an email message to a store computer of the shopping facility; in response to a user request, transmitting the list from the user data file to a kiosk for presentation to the user; and thereafter, transmitting the list to a portable terminal device of the user in a user perceptible format.

As per Claim 40.

Bianco ('614) in view of Roach et al (5,310,997) does not specifically disclose a messaging system for receiving an electronic message generated by a customer; and at least one kiosk for generating a list of items to be purchased, the kiosk in communication with the messaging communication system such that the list is generated based upon the message received from the consumer.

The claims that depend from the above allowed claims are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Dixon
Examiner
Art Unit 3629

April 14, 2004